

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 533 be amended to read as follows:

- 1 Page 1, line 4, delete "IC 13-18-10,".
- 2 Page 1, line 5, after "IC 13-18-19" delete ",",.
- 3 Page 1, between lines 6 and 7, begin a new paragraph and insert:
- 4 "SECTION 2. IC 13-11-2-40 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. "Confined
- 6 feeding operation", for purposes of IC 13-18-10 **and IC 13-30**, means:
- 7 (1) any confined feeding of:
- 8 (A) at least three hundred (300) cattle;
- 9 (B) at least six hundred (600) swine or sheep; and
- 10 (C) at least thirty thousand (30,000) fowl;
- 11 (2) any animal feeding operation electing to be subject to
- 12 IC 13-18-10; or
- 13 (3) any animal feeding operation that is causing a violation of:
- 14 (A) water pollution control laws;
- 15 (B) any rules of the water pollution control board; or
- 16 (C) IC 13-18-10.
- 17 A determination by the department under this subdivision is appealable
- 18 under IC 4-21.5.".
- 19 Page 3, between lines 26 and 27, begin a new paragraph and insert:
- 20 "SECTION 6. IC 13-30-4-1 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to
- 22 IC 13-14-6 and except as provided in **subsection (c)**, IC 13-23-14-2,
- 23 and IC 13-23-14-3, a person who violates:
- 24 (1) any provision of:

- 1 (A) environmental management laws;
- 2 (B) air pollution control laws;
- 3 (C) water pollution control laws;
- 4 (D) IC 13-18-14-1; or
- 5 (E) a rule or standard adopted by one (1) of the boards; or
- 6 (2) any determination, permit, or order made or issued by the
- 7 commissioner under:
- 8 (A) environmental management laws or IC 13-7 (before its
- 9 repeal);
- 10 (B) air pollution control laws or IC 13-1-1 (before its repeal);
- 11 or
- 12 (C) water pollution control laws or IC 13-1-3 (before its
- 13 repeal);

14 is liable for a civil penalty not to exceed twenty-five thousand dollars  
 15 (\$25,000) per day of any violation.

16 (b) The department may:

- 17 (1) recover the civil penalty described in subsection (a) in a civil
- 18 action commenced in any court with jurisdiction; and
- 19 (2) request in the action that the person be enjoined from
- 20 continuing the violation.

21 **(c) With respect to a violation under subsection (a) by a**  
 22 **confined feeding operation of water pollution control laws or a rule**  
 23 **or standard adopted by the water pollution control board relating**  
 24 **to water pollution control laws, the person who commits the**  
 25 **violation is liable for and the department shall impose:**

- 26 **(1) a civil penalty of fifty thousand dollars (\$50,000) per day**
- 27 **for a violation that represents three (3) or more violations in**
- 28 **the five (5) year period that ends on the date the violation**
- 29 **begins; and**
- 30 **(2) a civil penalty of one hundred thousand dollars (\$100,000)**
- 31 **per day for a violation that represents five (5) or more**
- 32 **violations in the ten (10) year period that ends on the date the**
- 33 **violation begins."**

34 Renumber all SECTIONS consecutively.

(Reference is to ESB 533 as printed March 28, 2003.)

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Representative Brown T